

**PROPOSED ORDINANCE**  
**FIRST READING 10/22/2007**

**ORDINANCE NO. 2007-237**

**ORDINANCE ASSENTING TO THE ANNEXATION OF CERTAIN PROPERTY OR TERRITORY TO THE CITY OF MADISON, ALABAMA, PURSUANT TO SECTIONS 11-42-20 THROUGH 11-42-24, INCLUSIVE, CODE OF ALABAMA (1989).**

WHEREAS, on August 2, 2007, **Beaver Dam Properties, LLC**, being the owner of the property or territory hereinafter set forth, did file with the City Clerk of the City of Madison, Alabama, a written petition requesting that said property or territory owned by it, as set forth herein be annexed to the City of Madison, Alabama, said property being contiguous to the current City boundary of the City of Madison, Alabama, or to be contiguous pursuant to the annexation of lands annexed simultaneously herewith, and being more specifically described as follows:

**ALL THAT PART OF THE NORTH HALF OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE HUNTSVILLE MERIDIAN, LIMESTONE COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT A 1" PIPE FOUND IN USE FOR THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 03 DEGREES 00 MINUTES 48 SECONDS EAST 198.16 FEET TO A POINT IN THE INTERSECTION OF HARDIMAN ROAD AND BURGREN ROAD; THENCE SOUTH 03 DEGREES 09 MINUTES 39 SECONDS EAST 30.00 FEET TO A POINT ON THE SOUTH MARGIN OF A 60-FOOT RIGHT-OF-WAY FOR HARDIMAN ROAD; THENCE SOUTH 05 DEGREES 27 MINUTES 13 SECONDS EAST 180.08 FEET TO A CAPPED 1/2" REBAR SET AT THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED:**

**THENCE FROM THE POINT OF BEGINNING, SOUTH 05 DEGREES 27 MINUTES 14 SECONDS EAST 595.60 FEET; THENCE SOUTH 01 DEGREE 06 MINUTES 43 SECONDS WEST 460.18 FEET; THENCE SOUTH 86 DEGREES 55 MINUTES 10 SECONDS WEST 746.20 FEET TO A CAPPED 1/2" REBAR SET; THENCE NORTH 01 DEGREE 11 MINUTES 32 SECONDS WEST 906.74 FEET TO A CAPPED 1/2" REBAR SET; THENCE NORTH 32 DEGREES 25 MINUTES 42 SECONDS EAST 172.28 FEET TO A CAPPED 1/2" REBAR SET; THENCE NORTH 86 DEGREES 13 MINUTES 39 SECONDS EAST 625.28 FEET TO THE POINT OF BEGINNING, CONTAINING 17.880 ACRES, MORE OR LESS.**

**TOGETHER WITH A 25-FOOT WIDE TEMPORARY EASEMENT FOR INGRESS-EGRESS, DESCRIBED AS FOLLOWS:**

**ALL THAT PART OF THE NORTH HALF OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE HUNTSVILLE MERIDIAN, LIMESTONE COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT A 1" PIPE FOUND IN USE FOR THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 03 DEGREES 00 MINUTES 48 SECONDS EAST 198.16 FEET TO A POINT IN THE INTERSECTION OF HARDIMAN ROAD AND BURGREN ROAD; THENCE SOUTH 03 DEGREES 09 MINUTES 39 SECONDS EAST 30.00 FEET TO A POINT ON THE SOUTH MARGIN OF A 60-FOOT RIGHT-OF-WAY FOR HARDIMAN ROAD; THENCE ALONG SAID MARGIN, SOUTH 86 DEGREES 13 MINUTES 39 SECONDS WEST 620.00 FEET TO A CAPPED 1/2" REBAR SET; THENCE LEAVING SAID ROAD, SOUTH 03 DEGREES 46 MINUTES 21 SECONDS EAST 180.00 FEET TO A CAPPED 1/2" REBAR SET; THENCE SOUTH 32 DEGREES 25 MINUTES 42 SECONDS WEST 172.28 FEET TO A CAPPED 1/2" REBAR SET; THENCE SOUTH 01 DEGREE 11 MINUTES 32 SECONDS EAST 278.15 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED:**

**THENCE FROM THE POINT OF BEGINNING, CONTINUE SOUTH 01 DEGREE 11 MINUTES 32 SECONDS EAST 50.00 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 20 SECONDS WEST 189.67 FEET TO A POINT ON THE EAST MARGIN OF THE 60-FOOT RIGHT-OF-WAY FOR HARDIMAN ROAD; THENCE ALONG SAID**

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**MARGIN, NORTH 01 DEGREE 55 MINUTES 40 SECONDS WEST 50.00 FEET; THENCE LEAVING HARDIMAN ROAD, NORTH 88 DEGREES 04 MINUTES 20 SECONDS EAST 190.32 FEET TO THE POINT OF BEGINNING, CONTAINING 0.218 ACRES, MORE OR LESS.**

**THIS EASEMENT TO REVERT WHEN OTHER ACCESS TO THE ADJOINING PROPERTY IS PROVIDED.**

**AND TOGETHER WITH THE FOLLOWING:**

**THE 60-FOOT STRIP LYING IMMEDIATELY SOUTH OF LOT 7 OF HARDIMAN PLACE, PHASE 3, A MINOR SUBDIVISION, AS RECORDED IN PLAT BOOK G, PAGE 252, IN THE OFFICE OF THE JUDGE OF PROBATE OF LIMESTONE COUNTY, ALABAMA, AND DESIGNATED ON SAID PLAT AS "RETAINED BY OWNER FOR FUTURE RIGHT-OF-WAY". SAID 60-FOOT STRIP BEING MORE PARTICULARLY DESCRIBED IN THE DEED TO PAUL JACKSON CONSTRUCTION, INC. OF RECORD IN RLPY BOOK 2005, PAGE 35138, IN THE OFFICE OF THE JUDGE OF PROBATE OF LIMESTONE COUNTY, ALABAMA.**

AND WHEREAS, said petition was executed by **Beaver Dam Properties, LLC**, the owner of said property or territory, as the same is assessed for ad valorem tax purposes, and filed together with a map showing its relationship to the present corporate limits of the City of Madison, Alabama; and

WHEREAS, said property is contiguous to the present City boundary of the City of Madison, Alabama, or will be contiguous pursuant to the annexation of lands annexed simultaneous herewith, and does not lie within the corporate limits or police jurisdiction of any other municipality; and

WHEREAS, the City Council of the City of Madison, Alabama, the governing body of said municipality, has determined that said property forms a homogenous part of the City of Madison, and that it is in the public interest that said property or territory should be brought within the corporate limits of the City of Madison, Alabama, and did further determine that said written petition met all of the legal requirements of Sections 11-42-20 through 11-42-24, inclusive, Code of Alabama (1989), as supplemented and amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON, ALABAMA, AS FOLLOWS:

Section 1. That the City Council of the City of Madison, Alabama, the governing body of said municipality hereby finds and declares that said land or territory forms a homogenous part of the City of Madison, Alabama, and that it is in the best interest of the citizens of Madison, Alabama, and the citizen or citizens of the affected territory to bring the property or territory described in Section 2 of this Ordinance into the City of Madison, Alabama, and the said City Council does hereby assent to the annexation of said property or territory to the City of Madison, Alabama.

Section 2. That the boundary lines of the City of Madison, Alabama, be, and the same are hereby altered, rearranged, and extended so as to include the real property or territory more particularly described as follows:

**ALL THAT PART OF THE NORTH HALF OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE HUNTSVILLE MERIDIAN, LIMESTONE COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT A 1" PIPE FOUND IN USE FOR THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 03 DEGREES 00 MINUTES 48 SECONDS EAST 198.16 FEET TO A POINT IN THE INTERSECTION OF HARDIMAN ROAD AND BURGREN ROAD; THENCE SOUTH 03 DEGREES 09 MINUTES 39 SECONDS EAST 30.00 FEET TO A POINT ON THE SOUTH MARGIN OF A 60-FOOT RIGHT-OF-WAY FOR HARDIMAN ROAD; THENCE SOUTH 05 DEGREES 27 MINUTES 13**

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SECONDS EAST 180.08 FEET TO A CAPPED 1/2" REBAR SET AT THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED:

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Section 3. That the Mayor and Presiding Officer of the City Council of the City of Madison, Alabama, and the City Clerk of said municipality are hereby authorized and directed, for and on behalf of the governing body of said municipality, to file a description of the property or territory herein annexed in the Offices of the Judges of Probate of Madison County, Alabama and Limestone County, Alabama. That the City Attorney of said municipality is hereby further

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authorized and directed to obtain preclearance of this annexation to the City of Madison, Alabama, under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. Section 1973c and the regulations adopted pursuant thereto.

Section 4. That Section 2-2(b)( ) of the Madison Code of Ordinances be amended to enlarge District \_\_\_\_ to include the lands annexed hereby within said district.

Section 5. That this Ordinance shall become effective upon the final publication thereof as required by law.

Section 6. That the property or territory described in this Ordinance shall become a part of the corporate limits of the City of Madison, Alabama, upon the final publication of the Ordinance as provided for in Section 5 above.

**READ, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Madison, Alabama on this the \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Steve Haraway, President  
Madison City Council  
City of Madison, Alabama

**ATTEST:**

\_\_\_\_\_  
Melanie A. Williard, City Clerk-Treasurer

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Arthur S. Kirkindall, Mayor  
City of Madison, Alabama